UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,582	07/09/2003	Eric Raffaele	B-4504DIV 621038-6	1312

7590 08/04/2008

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/616,582	RAFFAELE ET AL.
	Examiner	Art Unit
	DANGELINO N. GORTAYO	2168

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 May 2008</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,12 and 16</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3, 12, and 16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In the amendment filed on 5/5/2008, claims 13 and 15 have been cancelled. The

currently pending claims considered below are Claims 1-3, 12, and 16.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gupta et al. (US Patent 7,206,844 B2) in view of Kraenzel et al. (US Patent

6,854,016 B1)

         As per claim 1, Gupta teaches "A process for executing a downloadable service

with specific access rights to at least one profile file in a user's computer, said computer

comprising a web browser communication to the Internet or intranet via a first

communication port and socket," (see Abstract, column 5 lines 35-46, column 5 line 56

– column 6 line 27)

         said process comprising: arranging a confined run time environment (column 10

line 66 – column 11 line 11, column 13 lines 15-25, lines 34-53, column 17 lines 41-60,

wherein the client executes application software by sending requests to the webtop

server and executing proxy services) which is assigned a second communication port

and socket (Figure 3 reference 320, Figure 4A and 4B reference 408, 418, 428, column

6 lines 48-67, column 7 lines 1-8, column 10 lines 32-53, column 10 line 66 – column 11

line 28, column 17 line 41 – column 18 line 13, wherein a webtop server can establish

proxy services to satisfy a sandbox security scheme, the proxy service forwards service

requests and responses) and provided with restricted access to at least one profile file;

(column 7 lines 16-28, column 12 line 45 – column 13 line 32, column 20 lines 19-29,

wherein a client profile is stored in a local webtop server connected to a client that is

accessed by the webtop server, the profile determining accessible services)

downloading said service through said second communication port so that it is

received by said confined run time environment; (column 6 lines 11-27, column 10 lines

32-53, column 19 lines 24-57, wherein applets and application software is received by a

webtop server)

and executing said service within said confined rum time environment whereby

said service is given restricted access to said at least one profile file. (column 10 line 66

– column 11 line 11, column 13 lines 34-54, column 16 lines 9-19, column 17 lines 61 –

14, wherein a webtop server installs application software based on the client executing

application software)

Gupta does not teach profile file that is located on the user's computer;

Kraenzel teaches profile file that is located on the user's computer; (column12

line 66 – column 13 line 35, column 18 lines 32-67, wherein a profile file resides in a

client that is accessed when executing downloaded files)

It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Gupta's method of establishing a webtop server connected to a client to execute downloadable services based on profile information with Kraenzel's method of storing profile information on a client computer. This gives the user the benefit of making the process of transferring and executing downloaded files more secure, since client information resides on the client, and allows for customizability based on profile information on the client. The motivation for doing so would be to provide a level of security and stability when downloading code from remote sources (column 2 lines 7-19)

As per claim 2, Gupta teaches "said confined run time environment is an extended sandbox having restrictive access to said at least one profile file." (column 13 lines 10-25)

As per claim 3, Gupta teaches "the service is downloaded under the form of a set of java code containing class structures packaged within a signed archive file; the service comprising: remote Internet data, a list of requested data that are needed to personalise the service, and code to sort remote Internet data using requested accessible data." (column 13 lines 34-57, column 44-60, column 15 lines 32-53)

As per claim 16, Gupta teaches "A process for executing a downloadable service with specific access rights to at least one profile file in a user's computer, said computer comprising a web browser communication to the Internet or intranet via a first

communication port and socket," (see Abstract, column 5 lines 35-46, column 5 line 56
– column 6 line 27)

said process comprising: arranging a confined run time environment in said
user's computer, (column 10 line 66 – column 11 line 11, column 13 lines 15-25, lines
34-53, column 17 lines 41-60, wherein the client executes application software by
sending requests to the webtop server and executing proxy services) said confined run
time environment being assigned a second communication port and socket (Figure 3
reference 320, Figure 4A and 4B reference 408, 418, 428, column 6 lines 48-67, column
7 lines 1-8, column 10 lines 32-53, column 10 line 66 – column 11 line 28, column 17
line 41 – column 18 line 13, wherein a webtop server can establish proxy services to
satisfy a sandbox security scheme, the proxy service forwards service requests and
responses) and provided with restricted access to at least one profile file that is located
on the user's computer; (column 7 lines 16-28, column 12 line 45 – column 13 line 32,
column 20 lines 19-29, wherein a client profile is stored in a local webtop server
connected to a client that is accessed by the webtop server, the profile determining
accessible services)

"downloading said service through said second communication port so that it is
received by said confined run time environment;" (column 6 lines 11-27, column 10 lines
32-53, column 19 lines 24-57, wherein applets and application software is received by a
webtop server)

and executing said service within said confined rum time environment whereby
said service is given restricted access to said at least one profile file. (column 10 line 66

– column 11 line 11, column 13 lines 34-54, column 16 lines 9-19, column 17 lines 61 –

14, wherein a webtop server installs application software based on the client executing

application software)

Gupta does not teach a profile file that is located on the user's computer;

Kraenzel teaches a profile file that is located on the user's computer; (column12

line 66 – column 13 line 35, column 18 lines 32-67, wherein a profile file resides in a

client that is accessed when executing downloaded files)

It would have been obvious at the time of the invention for one of ordinary skill in

the art to combine Gupta's method of establishing a webtop server connected to a client

to execute downloadable services based on profile information with Kraenzel's method

of storing profile information on a client computer. This gives the user the benefit of

making the process of transferring and executing downloaded files more secure, since

client information resides on the client, and allows for customizability based on profile

information on the client. The motivation for doing so would be to provide a level of

security and stability when downloading code from remote sources (column 2 lines 7-

19)

4.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et

al. (US Patent 7,206,844 B2) in view of Kraenzel et al. (US Patent 6,708,221 B1) and

further in view of Tan (US Publication 2001/0045451 A1)

As per claim 12, <u>Gupta</u> in combination with <u>Kraenzel</u> discloses the claimed

subject matter in claim 1 above. <u>Gupta</u> in combination with <u>Kraenzel</u> does not teach

"said downloadable service is an authentication service cooperating with a smart card."

<u>Tan</u> teaches "said downloadable service is an authentication service cooperating

with a smart card." (Abstract, paragraph 0010, 0026, 0028, wherein the execution of

downloaded service by a client is authentication using a smart card). It would have been

obvious at the time of the invention for one of ordinary skill in the art to combine <u>Gupta</u>'s

and <u>Kraenzel</u>'s combined method of remote execution of services from a server based

on profile information with <u>Tan</u>'s ability to authenticate a user's identity using data in a

smart card. This gives the user the benefit of portability when trying to securely access

services remotely. The motivation for doing so would be to provide a more robust

security system when a user utilizes the Internet to access secure data by improving

management of access to web servers (paragraph 0005, 0007).

Response to Arguments

5.   Applicant's arguments, see page 4, filed 5/5/2008, with respect to the rejection of

claims 1-3, 12, 13, 15, and 16 in regards to 35 USC 103(a) have been fully considered

but they are not persuasive.

a.   Examiner is entitled to give claim limitations their broadest reasonable

interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the
broadest reasonable interpretation consistent with the specification.' Applicant
always has the opportunity to amend the claims during prosecution and broad
interpretation by the examiner reduces the possibility that the claim, once issued,
will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-
51 (CCPA 1969).

b.   Applicant's arguments is stated as Gupta in view of Kraenzel does not
disclose "arranging a confined run time environment which is assigned a second
communication port and socket".

In regards to this argument, Examiner respectfully disagrees. As
interpreted by the examiner, the claim language of "arranging a confined run time
environment in said user's computer" is read to mean that a confined run time
environment is set up and organized by actions executed in the client computer.
As stated in the above rejection, Gupta, in column 10 line 66 – column 11 line 11,
column 13 lines 15-25, lines 34-53, column 17 lines 41-60 teaches that the client
executes application software by sending requests to the webtop server and
executing proxy services. As shown in Figure 4A and 4B, the webtop server,
which executes and processes the application request, is part of a network of
sites containing clients, and is accessed through a client tier. As seen in the cited
figures, the webtop server and client work in a partnership on one side to access
application servers, and the client as cited arranges for the webtop server to

retrieve and store program software from application server, to be executed in a
client (column 13 lines 34-54). Therefore, Gupta teaches arranging a confined
run time environment.

Additionally, Gupta, in the above rejection, and specifically in column 7
lines 1-8 and column 17 line 41 – column 18 line 13 teaches that the application
requests from a client is processed through a proxy, wherein a proxy's handle
that is created by the webtop server, is utilized to specifically process a specific
service. The proxy service is utilized by the system to determine forwarding and
filtering of requests between the clients and webtop servers, and the application
servers containing applications to be executed. The established proxy services
satisfies a sandbox security scheme, the proxy service forwarding service
requests and responses. As disclosed in column 10 lines 33-58, the link between
a webtop server and the application server transfer data in specific channels of
communications link, as determined by different protocols. Therefore, Gupta
teaches assigning a second communication port and socket.

c.   Applicant's arguments is stated as Gupta in view of Kraenzel does not
disclose restricted access to the user's profile.

In regards to this argument, Examiner respectfully disagrees. Gupta, in
column 7 lines 16-28, column 12 line 45 – column 13 line 32, column 20 lines 19-
29, teaches a client profile is stored in a local webtop server connected to a client
that is accessed by the webtop server, the profile determining accessible

services. Particularly, column 12 line 45 – column 13 line 32 teaches that a login

service logs in a client and creates a cookie to track the client session, the cookie

created and stored in the client computer that determine if the client has access

to an application or network service. This is accomplished by sent by an applet

once the user identity is determined. As disclosed in column 18 lines 6-13, the

credential certificate used to verify the client allows access to multiple

applications and network services, provided the client can access those

application and network services. The security features of the system is further

disclosed in column 20 lines 19-34, wherein an applet is determined to be trusted

or untrusted, and it is determined how much access an application being

executed on a webtop server has to the computer resources. Therefore, Gupta in

view of Kraenzel teaches restricted access to the user's profile.

d.   Applicant's arguments is stated as Gupta in view of Kraenzel does not

disclose "executing said service within said confined run time environment

whereby said service is given restricted access to said at least one profile file"

In regards to this argument, Examiner respectfully disagrees. Gupta, in

column 10 line 66 – column 11 line 11, column 13 lines 34-54, column 16 lines 9-

19, column 17 lines 61 – 14, teaches that a webtop server installs application

software based on the request of a client executing application software.

Particularly, Gupta in column 10 line 66 – column 11 line 11, teaches that the

webtop server stores and caches application data that a client utilizes, the client

fetching application applets that is executed for the web service. As stated

above, the client sets up a confined runtime environment in the webtop server,

which is in contact with application servers containing application data. As further

stated in column 13 lines 34-54, the application software that is determined to be

safe in a webtop server is then downloaded to the client to be executed.

Therefore, Gupta teaches executing said service within said confined run time

environment whereby said service is given restricted access to said at least one

profile file.

e.   Applicant's arguments is stated as Gupta in view of Kraenzel does not

disclose that a profile file that is located on a user's computer, because the

motivation for combining the references is based on hindsight and there is no

motivation to combine the two references

        In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized

that any judgment on obviousness is in a sense necessarily a reconstruction

based upon hindsight reasoning. But so long as it takes into account only

knowledge which was within the level of ordinary skill at the time the claimed

invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*,

443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation can be found in the prior art of Kraenzel, column 2 lines 7-19, wherein permission and authorization is utilized for code and applets downloaded online, as the user profile found in the clients of Kraenzel is applied to the applet distribution system of Gupta. As further stated in Gupta, column 4 lines 8-21, there is a need to ensure that code downloaded from another source does not corrupt the client, and security measures are needed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/   /Tim T. Vo/
Examiner, Art Unit 2168   Supervisory Patent Examiner, Art
                                             Unit 2168

Dangelino N. Gortayo   Tim T. Vo
Examiner   SPE